



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Boris TARTAKOVSKY

Art Unit: 1644

Application No.: 09/806689

Examiner: G. EWOLDT

Filed: July 13, 2001

Washington, D.C.

For: NOVEL LYMPHOCYTE...

Atty.'s Docket: TARTAKOVSKY=1

Confirmation No.: 5905

Date: August 7, 2003

RECEIVED

AUG 08 2003

TECH CENTER 1600/2900

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith is a [XX] REPLY TO RESTRICTION REQUIREMENT in the above-identified application.

[ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[XX] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 42	\$
+ 140	\$
ADDITIONAL FEE TOTAL	

OR

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 84	\$
+ 280	\$
TOTAL	

OR

TOTAL

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

[ ] First - \$ 55.00  
[ ] Second - \$ 205.00  
[ ] Third - \$ 465.00  
[ ] Fourth - \$ 725.00

## Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

[ ] First - \$ 110.00  
[ ] Second - \$ 410.00  
[ ] Third - \$ 930.00  
[ ] Fourth - \$ 1,450.00

## Month After Time Period Set

[ ] Less fees (\$ ) already paid for month(s) extension of time on

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$

[ ] A check in the amount of \$ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

Facsimile: (202) 737-3528  
Telephone: (202) 628-5197

By:

*Jay M. Finkelstein*  
Jay M. Finkelstein  
Registration No. 21,082



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: TARTAKOVSKY=1

In re Application of:	)	Art Unit: 1644
	)	
Boris TARTAKOVSKY et. al.	)	Examiner: G. EWOLDT
	)	
Appln. No.: 09/806,689	)	Washington, D.C.
	)	
Date Filed: July 13, 2001	)	Confirmation No. 5905
	)	
For: NOVEL LYMPHOCYTE ...	)	August 7, 2003

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner's action dated July 7, 2003, has been received and its contents carefully noted.

In order to provide a full response to the restriction requirement presented in that action, applicant hereby provisionally selects Group IV, claims 13-17 and 21 for examination on the merits in this application.

However, the requirement is traversed at least with respect to Group III.

The claims of Group IV are directed to a method of monitoring the efficacy of a treatment in an infected individual while the claims of Group III are directed to a method for detection of an individual with a high probability

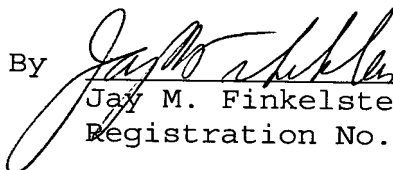
RECEIVED  
AUG 08 2003  
TECH CENTER 1000/2000

of having an infection. It is respectfully submitted that these two groups of claims are linked in that in both cases the amount of MO<sub>2</sub> antigen is detected.

Accordingly, it is requested that the restriction requirement be modified to permit examination of claims 8-17 and 21 in this application.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By   
Jay M. Finkelstein  
Registration No. 21,082

JMF:mch

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\C\cohn\Tartakovsky1\PTO\Restrict reply 7au03.doc